IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.174 OF 2007

Mohammad Siddique Sheikh ...Appellant

Versus

Maharashtra Housing And Area Development Authority ...Respondent

Shri K.D.Jha for the Appellant.
Shri A.R.Patil, A.G.P for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 22, 2007.

P.C.:

1. Heard Advocate appearing for the Appellant and the Advocate appearing for the Respondent. By the impugned order dated 05th February, 2007, the learned Trial Judge has declined to grant ad-interim relief in favour of the Appellant-Plaintiff. My attention has been invited to order dated 10th January, 2007 passed by this Court in First Appeal No.2420 of 2006. The submission of the Advocate is that prima facie it cannot be said that the present suit is barred by principles of res judicata in as much as in earlier suit there was no adjudication of the rights of the present Appellant.

2. This Court on 07th March, 2007 has passed an ad-interim order directing the parties to maintain status-quo. After having heard the Advocates appearing

for the parties, I am of the view that this was a case for grant of a limited ad-interim order till the disposal of the Notice of Motion. Considering the fact that the prayer for interim relief relates to transit accommodation, the Notice of Motion will have to be disposed of expeditiously.

3. Hence, I pass the following order:

(i) The impugned order dated 05th February, 2007 in so far as it rejects the prayer for ad-interim relief is quashed and set aside. Till the disposal of Notice of Motion ad-interim order passed on 07th March, 2007 by this Court will continue to operate.

(ii) Considering the facts and circumstances of the case, the learned Trial Judge will decide the Notice of Motion as expeditiously as possible and preferably on or before 16th June, 2007.

(iii) All contentions of the parties in the pending Notice of Motion are expressly kept open.

(iv) Appeal is disposed of in above terms with no orders as to costs.

JUDGE